

### **REMARKS**

An Excess Claim Fee Payment Letter is submitted herewith for two excess total claims.

Claims 1-32 are all the claims presently pending in the application. Claims 1, 7-8, 22, 28-30 have been amended to more particularly define the claimed invention. Claims 31-32 have been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, 5, 7, 8, 15, 16, 18, 19, 22, and 25-30 stand rejected under 35 U.S.C. § 102(e) as being allegedly unpatentable over Chiles et al. (U. S. Pat. No. 6,748,582).

Claims 3, 4, and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chiles in view of Kolawa et al. (U. S. Pat. No. 5,860,011). Claims 6, 9-14, 17, 20, 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chiles in view of Kiss et al. (U. S. Pat. No. 6,484,155).

These rejections are respectfully traversed in view of the following discussion.

#### **I. THE CLAIMED INVENTION**

An exemplary aspect of the claimed invention (e.g., as defined by claim 1) is directed to system for identifying concerns including a specifying device for specifying at least one initial concern in a software system, and an identifying device for identifying at least one related concern in the software system having a relationship with the at least one initial concern (Application at page 8, line 18-page 9, line 11). This may allow a user to "pull apart" a software system by extracting related concerns.

Another exemplary embodiment of the claimed invention (e.g., as recited, for example, in claim 20) is directed to a system for identifying concerns, including a specifying device for specifying a query against artifacts related to software development, including software, generated code, or models and information about software, means of displaying the

results of the query, and means of updating the query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed (Application at page 18, lines 6-9; Figure 5B). This may allow the system to be self-refining as the software changes.

## II. THE ALLEGED PRIOR ART REFERENCES

### A. Chiles

The Examiner alleges that Chiles teaches the claimed invention of claims 1, 2, 5, 7, 8, 15, 16, 18, 19, 22, and 25-30. Applicant would submit, however, that Chiles does not teach or suggest each and every element of the claimed invention.

In particular, nowhere does Chiles teach or suggest *"an identifying device for identifying at least one related concern in said software system having a relationship with said at least one initial concern"*, as recited in claim 1 (Application at page 8, line 18-page 9, line 11). As noted above, this may allow a user to "pull apart" a software system by extracting related concerns.

Clearly, these features are not taught or suggested by Chiles.

Indeed, the Examiner attempts equate the feature 308 in Figure 3 in Chiles with the identifying device of the claimed invention. This is completely unreasonable.

Indeed, Figure 3 simply illustrates a flowchart of an example process 300 for managing development tasks (Chiles at col. 5, lines 45-47). Feature 308 in Figure 3 is simply a step in the process at which the task module 206 adds the error (determined by parser 204) to a task list window, so that when the developer may conveniently re-visit the error by navigating to the task in the task list (Chiles at col. 6, at lines 1-15).

Thus, the Chiles device is completely unrelated to the claimed invention. Indeed, nowhere does Chiles even teach or suggest a relationship between concerns. Chiles most certainly does not teach or suggest identifying at least one related concern in said software system having a relationship with said at least one initial concern.

In fact, it is completely unreasonable to equate block 308 in Figure 3 with the "identifying device" of the claimed invention, because the block 308 is simply a step in a process. That is, the block 308 cannot possibly identify anything, let along a related concern.

Therefore, Applicant would submit that Chiles clearly does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested

to withdraw this rejection.

**B. Kolawa and Kiss**

The Examiner alleges that Chiles would have been combined with Kolawa to form the invention of claims 3, 4 and 23, and that Chiles would have been combined with Kiss to form the invention of claims 6, 9-14, 17, 20, 21 and 24. Applicant would submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant respectfully submits that these alleged references are unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant would submit that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teach or suggest their combination. Therefore, Applicant would respectfully submit that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Chiles, nor Kolawa, nor Kiss, nor any combination thereof, teaches or suggests "*an identifying device for identifying at least one related concern in said software system having a relationship with said at least one initial concern*", as recited in claim 1 (Application at page 8, line 18-page 9, line 11). As noted above, this may allow a user to "pull apart" a software system by extracting related concerns. Likewise, neither Chiles, nor Kolawa, nor Kiss, nor any combination thereof, teaches or suggests "*means of updating the query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed*", as recited, for example, in claim 20 (Application at page 18, lines 6-9; Figure 5B). As noted above, this may allow the system to be self-refining as the software changes.

Clearly, these features are not taught or suggested by Kolawa.

Indeed, Kolawa merely discloses a system for automatically checking computer source code which includes a source code quality analyzer 16 which accesses a rule base 17 storing a set of rules for identifying quality concerns (Kolawa at col. 4, lines 47-64).

However, nowhere does Kolawa teach or suggest that the analyzer 16 identifies at

least one related concern in the software system having a relationship with the at least one initial concern.

Likewise, these features are not taught or suggested by Kiss.

Indeed, Kiss simply discloses a knowledge management system 100 which includes a presentation layer 103, a user interface layer 105, a meta agent layer 107 a knowledge agent layer 109, a knowledge module layer 111 and an agent service layer 113 (Kiss at col. 5, lines 1-9).

However, nowhere does Kiss teach or suggest that any of the features of the knowledge management system 100 identifies at least one related concern in the software system having a relationship with the at least one initial concern, or updates a query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed.

Therefore, neither Kolawa nor Kiss make up for the deficiencies in Chiles.

Therefore, Applicant would submit that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

Applicant notes that claim 19 has been amended to address the Examiner's objection thereto.

In view of the foregoing, Applicant submits that claims 1-32, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/802,044  
Docket No. YOR920040071US1

12

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: January 7, 2008

/Phillip E. Miller/  
Phillip E. Miller, Esq.  
Registration No. 46,060

**McGinn IP Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**